

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 6

Special Meeting

March 7, 2005

Town Board Minutes

March 7, 2005

Meeting No. 6

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 7th day of March 2005, at 6:30 PM and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: DANIEL AMATURA, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for three (3) actions

**IN THE MATTER OF THE SEQR REVIEW OF THE
HARRIS HILL NURSING FACILITY
SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Harris Hill Nursing Facility site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD CHAIRMAN KEYSA
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
HARRIS HILL NURSING FACILITY
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 9.7± acres.

The location of the premises being reviewed is situate 2699 Wehrle Drive, County of Erie, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6. It is noted that this action was previously coordinated in April 2004 and that comments and recommendations from this prior coordination have been taken into consideration.

- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)

- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No significant adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No significant adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No significant adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No significant adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No significant adverse effects noted

- C.7 Other impacts (including changes in use of either quantity or type of energy).

No significant adverse effects noted

- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

March 7, 2005

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

March 7, 2005

**IN THE MATTER OF THE SEQR REVIEW OF
NICHOLAS HEIGHTS SUBDIVISION**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Nicholas Heights Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER MYSZKA
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ST'EMPNIAK, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
NICHOLAS HEIGHTS SUBDIVISION
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 19± acres.

The location of the premises being reviewed is situate at 5067 William Street, County of Erie, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6. It is noted that this action was previously coordinated; comments and recommendations have been considered.

- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)

- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

Small to moderate impact noted.

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No significant adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

Small to moderate impact noted:

Pesticides and herbicides are likely to be used for lawn care purposes.

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No significant adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No significant adverse effects noted

- C.7 Other impacts (including changes in use of either quantity or type of energy).

No significant adverse effects noted

- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6 NYCRR 617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

- E. There could be controversy related to drainage, however this issue can be mitigated by the project's design.

s/s _____

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

March 7, 2005

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

March 7, 2005

**IN THE MATTER OF THE SEQR REVIEW OF
CARQUEST DISTRIBUTION CENTER SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the CarQuest Distribution Center site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER SZYMANSKI
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
CARQUEST DISTRIBUTION CENTER SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type I action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 9± acres.

The location of the premises being reviewed is situate at 4245 Walden Avenue, County of Eire, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
 - **Construction will be on land where the depth to the water table is less than three feet.**
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.
 - **It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.**
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate impact on threatened or endangered species.
 - **It is anticipated that pesticides or herbicides may be applied for lawn care purposes.**
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.

17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate impact on the character of the existing community.
It is noted that the development
 - a) will create demand for police and fire services
 - b) will create employment.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

March 7, 2005

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

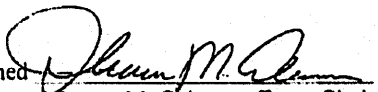
March 7, 2005

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MONTOUR AND SECONDED BY
PLANNING BOARD MEMBER SOCHA FOR ADJOURNMENT OF THE MEETING, which
resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 6:59 P.M.

Signed 
Johanna M. Coleman, Town Clerk

Town Board Minutes

Meeting No. 7

Regular Meeting

March 7, 2005

Town Board Minutes

March 7, 2005

Meeting No. 7

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 7th day of March 2005 at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: DANIEL AMATURA, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
GARY STOLDT, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF

PERSONS ADDRESSING TOWN BOARD:

Chowanec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Spoke on property assessment revaluations and directed questions to the Town Assessor.

Fronczak, Mike, 3 Woodstream Drive, spoke to the Town Board on the following matters:

- Asked questions about Nicholas Heights Subdivision.
- Inquired if the Landmark Society provides the Town of Lancaster with financial information regarding utilization of funds donated to the organization by the Town.
- Asked what procedures he should follow to convey land to Town of Lancaster.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Requests clarification on the content and intent of the resolution which rescinds the resolution adopted February 28, 2005 regarding user taxes.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
February 28, 2005 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 7, 2005

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, McGuire Group Care Facilities, 100 Seneca Street, Buffalo, New York has submitted a Site Plan prepared by Greenman-Pedersen, Inc. dated February 2005 and received February 16, 2005 for the proposed development of a three (3) part addition totaling 13,420 \pm square foot and 22 \pm beds to an existing 68,237 \pm square foot skilled nursing facility (Harris Hill Nursing Facility) on a 9.7 \pm acre parcel of land, located on the south side of Wehrle Drive, east of North Maple Drive, (2699 Wehrle Drive) in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting March 2, 2005 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held March 7, 2005 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by McGuire Group Care Facilities and prepared by Greenman-Pedersen, Inc. dated February 2005 and received February 16, 2005 for the proposed development of a three (3) part addition totaling 13,420 \pm square foot and 22 \pm beds to an existing 68,237 \pm square foot skilled nursing facility (Harris Hill Nursing Facility) on a 9.7 \pm acre parcel of land, located on the south side of Wehrle Drive, east of North Maple Drive, (2699 Wehrle Drive) in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 7, 2005

File: rsharris hill nursing facility addition 305

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, GEIS CONSTRUCTION, 10020 Aurora-Hudson Road, Streetsboro, Ohio 44241, has submitted a Site Plan prepared by Murfin Associates, Architects dated December 29, 2004 and received January 20, 2005 for the proposed construction of a 119,688 square foot distribution warehouse and office, (CarQuest Distribution Center), on approximately 9 acres to be located at 4245 Walden Avenue in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting February 2, 2005 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held March 7, 2005 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Geis Construction prepared by Murfin Associates, Architects dated December 29, 2004 and received January 20, 2005 for the proposed construction of a 119,688 square foot distribution warehouse and office on approximately 9 acres to be located at 4245 Walden Avenue in the Town of Lancaster with the condition that a row of trees be developed between the west driveway and the west property line.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 7, 2005

File: rspecarquestdistributioncenter205

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, John Arcadi, Vice President of 4429 Walden Avenue, has submitted an application for a Special Use Permit for auto and truck repair services on property located at 4429 Walden Avenue in the Town of Lancaster, New York in accordance with provisions of Chapter 50-Zoning, Section 24 of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 24 entitled "Light Industrial District" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for auto and truck repair services on premises locally known as 4429 Walden Avenue in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of March, 2005, at 8:40 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 7, 2005

File: specialusepermitarcadijohn305

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT
4429 WALDEN AVENUE**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 24 entitled "Light Industrial District" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 7th day of March, 2005, the said Town Board will hold a Public Hearing on the 21st day of March, 2005, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of John Arcadi, Vice President of 4429 Walden Avenue, for a Special Use Permit for the purpose of auto and truck repair services on premises locally known as 4429 Walden Avenue, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**
Town Clerk

March 7, 2005

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously by Town Board resolution dated February 28, 2005 asked the County Legislature and County Executive to find new revenue sources to help close its budget deficit, and

WHEREAS, the Town Board was not suggesting that the County should raise additional taxes but was only attempting to suggest that additional revenue sources should be explored so that the County can reduce the County property tax and possibly reduce the 8.25% sales tax, the Town Board being in agreement with the County Legislature cutting pork and patronage and cutting unnecessary and unfilled positions, and

WHEREAS, the Town Board after due review and consideration deems it appropriate to rescind the action taken by prior Town Board resolution of February 28, 2005 so there is no misunderstanding by the public;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby rescinds the prior resolution of the Town Board adopted on February 28, 2005 as the Town Board is not recommending additional new taxes to the County but only asking the County to examine other potential revenue sources so that the County can reduce the County property tax and possibly reduce the 8.25% sales tax.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 7, 2005

File: rtax205rescind:resolution

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 14057 to Claim No. 14174 Inclusive

Total amount hereby authorized to be paid: \$551,700.49

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 7, 2005

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby
reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

12552	Randaccio Builders	18 Beatrix Cir	Er. Dwlg.-Sin.	
12553	Girardi, Joseph	2143 Como Park Blvd	Er. Res. Alt.	(V/L)
12554	Kelkenberg Constr.	1396 Ransom Rd	Er. Pole Barn	
12555	Harlach, Paul	955 Ransom Rd	Er. Comm. Add.	
12557	Peyton Barlow Co Inc	6733 Transit Rd	Er. Comm. Alt.	
12558	Marrano/Marc Equity	18 Ashwood Ct	Er. Dwlg.-Sin.	

12558
Voted
Referred
3/10/05

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for
sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance
requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for
conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town
Ordinance required for sidewalks, however, the waiver is granted upon the expressed
condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk
installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 7, 2005

File: Rbldg2

COMMUNICATIONS & REPORTS:

108. Lancaster Country Club to Town Clerk -
Advisement of liquor license renewal application for Lancaster Country Club.
DISPOSITION = Town Attorney
109. NYS DEC to US Army Corps of Engineers -
Verification of General Permit to remove debris from Ellicott Creek.
DISPOSITION = Town Engineer
110. Town Clerk to Town Board -
Special Use Permit Application of John Arcadi for property at 4429 Walden Avenue,
Marty's Auto and Truck Repair. DISPOSITION = Resolution 3/7/05
111. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer -
Notification of SEQR meeting to be held March 7, 2005 at 6:30 PM regarding site
plan for Harris Hill Nursing Facility, Deer Run Estates Subdivision, CarQuest, and
reaffirmation of Negative Declaration for Nicholas Heights. DISPOSITION =
Received & Filed
112. Town Clerk to Various News Media -
Notification of SEQR meeting to be held March 7, 2005 at 6:30 PM regarding site
plan for Harris Hill Nursing Facility, Deer Run Estates Subdivision, CarQuest, and
reaffirmation of Negative Declaration for Nicholas Heights. DISPOSITION =
Received & Filed
113. Superintendent, Lancaster Central School District to Planning Board Chairman -
Letter regarding Windsor Ridge South Subdivision boundary conflict of Lancaster and
Iroquois school districts. DISPOSITION = Town Attorney
114. Erie County Dept. of Environment and Planning to Town Board -
Transmittal of registration form regarding Niagara County Training for Local Officials
to be held Thursday, April 21, 2005 at Sanborn NY. DISPOSITION = Received &
Filed
115. General Crew Chief to Planning Board Chairman, Planning Board, Council Members
Montour, Ruffino, & Stempniak -
Notice of no concerns regarding site plan for Harris Hill Nursing Facility addition,
2699 Wehrle Drive. DISPOSITION = Resolution 3/7/05
116. NYS DOT to Town Attorney -
Notification of Lead Agency Designation regarding site plan for proposed Deer Run
Subdivision; comment noted. DISPOSITION = Planning Committee
117. NYS DEC to Pleasant Meadows, LLC -
Notice of incomplete application regarding the FEIS for proposed Pleasant Meadows
Subdivision. DISPOSITION = Planning Committee
118. NYS DEC to Town Attorney -
Transmittal of file copy of comments and concerns regarding FEIS for proposed
Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
119. NYS Senator Dale M. Volker to Supervisor -
Letter regarding 2006 state budget process. DISPOSITION = Received & Filed
120. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting to be held Wednesday, March 9, 2005, 9:30 AM in Buffalo.
DISPOSITION = Town Engineer
121. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Highway
Superintendent, Deputy Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held March 2, 2005.
DISPOSITION = Received & Filed

122. Planning Board to Town Board -
Recommend approval of Site Plan of proposed Harris Hill Nursing Facility addition,
2699 Wehrle Drive. DISPOSITION = Resolution 3/7/05
123. Planning Board to Town Board -
Recommend approval of Preliminary Plat of proposed Pleasant Meadows Subdivision;
condition noted. DISPOSITION = Planning Committee
124. Town Clerk to Town Board -
Transmittal of monthly report for February 2005. DISPOSITION = Received & Filed

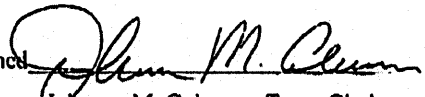
ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY COUNCIL
MEMBER STEMPNIAK FOR ADJOURNMENT OF THE MEETING, on roll, which
resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 8:45 P.M.

Signed


Lehana M. Coleman, Town Clerk